

REMARKS

Applicants are submitting this preliminary amendment to accompany their Request for Continued Examination.

Applicants wish to thank Examiners Godenschwager and Eashoo for conducting a telephone interview with the Applicants' undersigned attorney on 24 June 2008.

During the telephone interview, the undersigned focused on three different groups of claims and the underlying arguments to support those groups. The first group included proposed amended claims 1 through 8, amended to be limited to a mixture of polymeric multifunctional polyalcohols. The Examiners agreed that the limitation of a mixture of polymeric alcohols appeared to distinguish the present claims over the cited prior art but the Examiners indicated that they might need to do a new search of the prior art before making a determination of the patentability of proposed amended claims 1 through 8. Because the Examiners indicated that they may have to conduct a new prior art search, the Examiners stated that they might not enter an amendment under 37 CFR 1.116 which would include claims 1 through 8 with the proposed amendments. Therefore the undersigned stated that Applicants would consider filing a Request for Continued Examination (RCE) and at that time submit the claims to the invention wherein the polymeric multifunctional alcohols are present as a mixture.

The second group of claims discussed during the interview included proposed new claims 9 through 16 which would limit the polyol to a polyester polyol or a polyvinylalcohol of the Formula (II). The Examiners also agreed that these claims might be patentable over the cited prior art stating that they did not

believe that these claims were anticipated by or obvious in view of the cited prior art. However, once again, the Examiners indicated that they might need to conduct a new prior art search to determine whether these particular polyols are known in the art in reactions with urea to form carbamates and eventually carbonates.

The third group of claims related to new claims 13 through 16 and old, amended claims 5 through 8. Here the Applicants emphasized the criticality of the 200°C minimum temperature and the speedy rate of reaction that Applicants achieve in the production of the carbamates and eventually the carbonates too. The undersigned pointed to page 13, lines 9 to 15 of the present application and argued that the Applicants' rate of reaction was surprisingly faster at 200° C than it was at 150° C as disclosed in the SMITH reference and that this much faster rate of reaction was perhaps a basis for patentability over SMITH. The Examiners were not particularly encouraging about this line of argument pointing out that SMITH discloses in col. 2 a reaction temperature of up to 200°C. The undersigned pointed out that SMITH never ran the reaction at a temperature as high as 200°C and the Examiners countered that if the reference merely teaches a temperature range the reference need not exemplify all points along that range for the reference to be a basis for rejection. The undersigned then pointed out that SMITH went on to say that the increased rate of reaction at higher temperatures needs to be balanced against the added costs of applying more heat.

It was then agreed that Applicants might be able to show the criticality of the temperature range of 200 to 270°C if they could show (1) that there is a large increase in the rate of reaction at 200°C over the rate of reaction at 150°C and (2) that

the level of increase was unexpectedly high in comparison to what would have been expected in the prior art. Here Applicants would have to provide both a comparative test at 200°C and at 270°C and compare it with the SMITH temperature of 150°C and show a big increase in the rate of reaction at Applicants' higher temperature. Then Applicants would have to go to related prior art processes showing the reaction of a urea with an alcohol run at both 150 and 200° C and show that the difference in the rate of reaction in the prior art process was not nearly so great. Any such data would be made of record in a Declaration Under 37 CFR 1.132.

In the present Request for Continued Examination, Applicants have decided to focus on the subject matter covered by original claims 1 through 4, but limited to a mixture of polymeric multifunctional alcohols, wherein the polymeric multifunctional alcohols are defined exactly as set forth on page 6 of the specification, that is the polymeric multifunctional alcohols may include polyethyleneglycols, polyester polyols, polyether polyols of the Formula (I) or completely or partially hydrolyzed polyvinylalcohols of the Formula (II). Applicants have canceled all claims previously presented in this application and are submitting new claims 9 through 12. Antecedent basis for new claims 9 through 12 may be found in the specification on pages 5 through 14, especially page 5, last paragraph, starting from the tenth line from the bottom, where the intermediate products applicable for the manufacture of organic, aliphatic and aromatic dicarbonates is comprised of different organic carbonates and carbamates of polymeric alcohols. See also page 6 last full paragraph where mixtures of the polymeric multifunctional alcohols are specifically disclosed.

Applicants are enclosing a copy of the Examiner's Interview Summary Record pertaining to the telephone interview of 24 June 2008 as well as a copy of the proposed amended claims 1 through 16 that the undersigned discussed with the examiners during the telephone interview.

Applicants believe that claims 9 through 12 as now presented are in condition for allowance and a response to that effect is earnestly solicited.

K.F. Ross P.C.

/Jonathan Myers/

By: Jonathan Myers, 26,963

Attorney for Applicant

30 July 2008
5683 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: 718 884-6600
Fax: 718 601-1099
Email: email@kfrpc.com

Enclosures: Claims 1 through 16
RCE
PTO 2038 for RCE